

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

LARRY WASHINGTON,	)	
	)	
Plaintiff	)	
	)	
vs.	)	No. CIV-06-1274-C
	)	
RYAN T. LEONARD,	)	
	)	
Defendant	)	

ORDER

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Bana Roberts, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Roberts entered a Report and Recommendation on February 28, 2007, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The relevant facts and applicable law are clearly set out in Judge Roberts' Report and Recommendation and need not be repeated here. In objection, Plaintiff raises a number of disputes as to the facts, but he never addresses the preclusion of his claim either under Heck v. Humphrey<sup>1</sup> or the statute of limitations.<sup>2</sup>

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<sup>1</sup> 512 U.S. 477, 487 (1994).

<sup>2</sup> Although Plaintiff alleges that he can "provide proof of tolling the limitations" (Mot. for Obj. at 2), he fails to allege any facts or supporting law beyond this general conclusory statement. Thus, Plaintiff has failed to controvert the basis for the Report and Recommendation, and likewise fails to address the additional grounds which, because jurisdiction is lacking, the Magistrate Judge did not reach.

In sum, Plaintiff's objections are insufficient as a matter of both fact and law to provide any cause for setting aside the thorough and well-reasoned Report and Recommendation of the Magistrate Judge.

Accordingly, the Court adopts the Report and Recommendation, in its entirety, and for the reasons stated therein, this action is dismissed. Because no amendment could remedy the defects noted herein, a judgment will enter on behalf of Defendant. Moreover, this dismissal counts as a "strike" pursuant 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 17th day of April, 2007.

  
ROBIN J. CAUTHRON  
United States District Judge